

PAE 2241

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**§ 2241 HABEAS CORPUS PETITION FORM**  
**TO BE USED BY PRISONERS IN ACTIONS UNDER 28 U.S.C. § 2241**

Jahmir Ashley-Boyd,  
Inmate/Alien # 20210001325  
Monroe County Correctional Facility  
4250 Manor drive  
Stroudsburg, PA 18360

(Enter full name of Petitioner, prison number or alien [A]  
number, if applicable, AND address of place of confinement.)

vs.

CASE NO: \_\_\_\_\_  
(To be assigned by Clerk)

Garry Haidle, Warden  
of Monroe County Correctional Facility  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Enter name and title of each Respondent. If additional space  
is required, use the blank area below and directly to the right.)

**ALL APPLICANTS MUST COMPLETE THIS ENTIRE FORM**

**ANSWER ALL OF THE FOLLOWING:**

1. This petition concerns (check where applicable):
- (a) ☐ a conviction
  - (b) ☐ a sentence
  - (c) ☒ pre-trial detention
  - (d) ☐ prison disciplinary action or other action resulting in lost gain time credits
  - (e) ☐ parole
  - (f) ☐ immigration / removal
  - (g) ☐ Bureau of Prisons sentence calculation or loss of good-time credits.
  - (h) ☐ other (explain): \_\_\_\_\_
2. Provide the following information regarding the conviction(s) and sentence(s) for which you are presently incarcerated:
- (a) Name(s) and location(s) of court: Monroe County Court of Common Pleas
  - (b) Number(s): Criminal Docket # CP-45-CR-0003055-2021
  - (c) Charge(s) for which you were convicted: N/A, not convicted. Charged with Burglary, Theft, Fleeing and Eluding and related offenses
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- (d) What was your plea? (Check one)
- (1) Not Guilty ☒
  - (2) Guilty ☐
  - (3) Nolo contendere ☐
- (e) Did you appeal from the judgment of conviction? Yes ☐ No ☒
3. If you did appeal, answer the following:
- (a) Name of Court: N/A Case # \_\_\_\_\_
  - (b) Result: \_\_\_\_\_
  - (c) Date of opinion and mandate (citation, if known): \_\_\_\_\_
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4. Claims that challenge your conviction or imposition of sentence can only be raised by petition under 28 U.S.C. § 2254 (to challenge a state conviction or sentence) or a motion under § 2255 (to challenge a federal conviction or sentence) unless the § 2254 or § 2255 motion is inadequate or ineffective to test the legality of your detention. If any of the grounds raised above challenge your conviction or sentencing:
- (a) Have you filed a motion under 28 U.S.C. § 2254 or § 2255?  
Yes ☐ No ☒

If yes, please provide the case #, where filed, relevant date(s), and the results:

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(b) Explain why the remedy under § 2254 or § 2255 was or is inadequate or ineffective:

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5. Are you currently represented by counsel in this case or in any other court case?

Yes ☒ No ☐

If yes, please explain: Criminal Case: Robert A. Saurman

6. If this case concerns removal proceedings:

(a) Date of final order of removal: N/A

(b) Did you file an appeal with Board of Immigration Appeals? Yes ☐ No ☒

7. In the spaces below, set forth every ground which supports your claim that you are incarcerated unlawfully. Briefly summarize the specific facts in support of each ground raised. Conclusions that are not supported by specific facts are insufficient. You may attach additional pages if necessary to raise additional grounds or provide additional facts. Do not cite any law in your statement of facts.

(a) Ground One: Violation of Fourth Amendment right to be free from unreasonable searches and seizures

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Supporting FACTS (state *briefly* without citing cases or law): Petitioner has been incarcerated since November 11<sup>th</sup>, 2021 as a result of data obtained from an illegal GPS tracking device placed onto petitioners vehicle by law enforcement officers in New Jersey without a proper warrant. Detective Thomas Manticic of Deptford Twp. Police Department in NJ contacted Pennsylvania State Police and accused petitioner of committing a Burglary in Pennsylvania based on information from illegal GPS device. Detective from NJ then related Petitioner's location and direction of travel to Pennsylvania State Police which led them to locate and incarcerate petitioner without any investigation.



## Exhaustion:

- [1] Have you presented Ground One to a state or federal court or, to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?

Yes ☒ No ☐

If yes, please provide the results of the proceeding(s) and the relevant date(s).

Include any appeals: Omnibus Pre-Trial motion to suppress NJ GPS

Tracking device was filed 5/2/22 and a hearing was held 6/2/22. Motion was denied as untimely 11/4/22. Motion to reconsider was filed 11/14/22 because GPS warrant from NJ was not presented until day hearing was held (6/2/22) Hearing for Motion to reconsider held 2/1/23 but was

- [2] (Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present Ground One to the Board of Immigration Appeals?

Yes ☐ No ☐

If yes, please provide the results of the proceeding(s) and the relevant date(s).

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Ground Two: Violation of Eighth Amendment right to bail.

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Supporting FACTS (state *briefly* without citing cases or law): Petitioner has been incarcerated since November 11<sup>th</sup>, 2021. Bail was originally set at \$200,000. Petitioner filed a Bail Reduction form supplied to him by the jail because he and his family was unable to post such large amount. At Petitioner's Preliminary Hearing over video 12/8/21, this motion was heard at which time petitioner's bail was denied and set to \$0.00 by magistrate Judge Brian Germano. Petitioner filed numerous Bail Modification Motions in the Court of Common Pleas only to be denied. Petitioner has been incarcerated over 15 months without a bail. Petitioner is not charged with any capital offenses and has a constitutional right to bail.

"taken under advisement"  
Decision still yet to be made. Civil Action Filed in District Court of New Jersey for illegal GPS Tracking device under ~~42~~ 42 U.S.C section 1983 (civil action) (b) Number 1:22-cv-02124-KMW-EAP)

## Exhaustion:

- [1] Have you presented Ground Two to a state or federal court or, to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?

Yes ☒ No ☐

If yes, please provide the results of the proceeding(s) and the relevant date(s).

Include any appeals: Bail has been denied since 12/8/21. Bail/  
Modification motion held 2/11/22 denied 4/1/22. Another Bail  
Modification 6/28/22 denied. Another bail motion denied 2/1/22  
Petition for Nominal Bail pursuant to Pa. R. Crim. P 600 Filed 9/21/22  
denied 9/22/22 without a hearing.

- [2] (Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present Ground Two to the Board of Immigration Appeals?

Yes ☐ No ☐

If yes, please provide the results of the proceeding(s) and the relevant date(s).

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- (c) Ground Three: Violation of Sixth Amendment Right to  
Speedy Trial.

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Supporting FACTS (state *briefly* without citing cases or law): Petitioner has been  
incarcerated over 16 months and has yet to be brought to trial.  
Petitioner has been denied relief as a violation of Rule 600  
of Pa. R. Crim. P. As of date No Trial date is set. Petitioner  
has been denied his constitutional right to a speedy  
trial.

Exhaustion:

- [1] Have you presented Ground Three to a state or federal court or, to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?

Yes ☒ No ☐

If yes, please provide the results of the proceeding(s) and the relevant date(s).

Include any appeals: Petition Filed for relief pursuant to violation of Rule 600 of P.A.R.Crim.P only to be denied without a hearing held 9/22/22.

- [2] (Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present Ground Three to the Board of Immigration Appeals?

Yes ☐ No ☐

If yes, please provide the results of the proceeding(s) and the relevant date(s).

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- (d) Ground Four: Denied Due Process of Law

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Supporting FACTS (state *briefly* without citing cases or law): Petitioner has been denied Due Process of law. Liberty and life has been taken away from petitioner. Bail has been denied. Petitioner has yet to be brought to Trial on any charges. Petitioner is being held hostage at Monroe County Correctional Facility without a bail, Trial date, or any upcoming court proceeding. Petitioner's detention is prolonged and being used as punishment without proper Due Process.



Exhaustion:

- [1] Have you presented Ground Four to a state or federal court or, to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?

Yes ☒ No ☐

If yes, please provide the results of the proceeding(s) and the relevant date(s).

Include any appeals: Numerous motions filed to address these claims only to be denied.

- [2] (Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present Ground Four to the Board of Immigration Appeals?

Yes ☐ No ☐

If yes, please provide the results of the proceeding(s) and the relevant date(s).

8. WHEREFORE, based upon the grounds raised above, Petitioner prays that the court will grant the following relief:

Immediate Release From Pennsylvania  
Custody. Petitioner requests that the court review  
issues raised ultimately dismissing charges againsts  
him and granting any and all relief it appears  
petitioner is entitled

DECLARATION

I declare under penalty of perjury that I have read the above and the information contained herein is true and correct.

March 10<sup>th</sup>, 2023  
Date

John Ashley-Boyer  
Signature of Petitioner

**IF MAILED BY PRISONER:**

I declare or state under penalty of perjury that this petition was *(check one)*

☒ delivered to prison officials for mailing, or

☒ deposited in the prison's internal mail system on: March 10<sup>th</sup>, 2023

*Date*

Jahmarr Ashley-Boyd  
*Signature of Petitioner*



Jahmir Ashley-Boyd  
#20210001325  
Monroe County Correctional Facility  
4250 Manor Drive  
Stroudsburg PA, 18360



Clerk of Courts  
United States Courthouse Pennsylvania Eastern  
601 Market Street  
Philadelphia, PA 19105-1797

U.S.M.S.  
X-RAY

RECEIVED  
MAR 13 2023